

GP 1643
RECEIVED

PTO/SB/17 (08-04)

Approved for use through 10/31/2002. OMB 0651-0012
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

OFFICE OF
PATENT, TRADEMARK & DESIGN OFFICES
FEE TRANSMITTAL
for FY 2001NOV 02 2000
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)-0-

Complete if Known

Application Number	08/781,296	TECH CENTER 160 12900
Filing Date	January 13, 1997	
First Named Inventor	John B. Harley	
Examiner Name	Mary K. Zeman	
Group Art Unit	1643	
Attorney Docket No.	OMRF 161	

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **01-2507**
Deposit Account Name **Arnall Golden & Gregory**

Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.
See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-26	= 0 x _____	= 0
3	-6	= _____ x _____	= 0
Multiple Dependent			

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)-0-

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Petitions related to provisional applications	
126	240	126 240 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284	Telephone	404-873-8794
Signature				Date	October 26, 2000

WARNING: Information on this form may become public. Credit card information should not be included in this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



RECEIVED
NOV 06 2000
TECH CENTER 1600/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John B. Harley and Judith A. James

Serial No: 08/781,296

Examiner: Mary K. Zeman

Filed: January 13, 1997

Art Unit: 1643

For: *DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN
AUTOIMMUNE DISORDERS*

Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE

Sir:

Responsive to the Office Action mailed September 29, 2000, please consider the following remarks. It is believed that no additional fee is required with this submission. However, the Commissioner is hereby authorized to charge any additional required fees to Deposit Account No. 01-2507.

Claim 27 was rejected under 35 U.S.C. §102(e) as disclosed by U.S. Patent No. 5,965,353 to Middledorp. Claim 27 was rejected under 35 U.S.C. §102(b) as disclosed by WO 94/06912 to Middledorp.

OMRF 161
20487/186

U.S. SERIAL NO.: 08/781,296
FILED: January 13, 1997
RESPONSE

The Office Action states that the undersigned has "failed to address the portions of the rejection under §102(b) over Middeldorp which involved anticipation of Applicant's peptide SEQ ID NO:24, specifically with respect to SEQ ID NO:6 of Middeldorp.

As previously noted, claims 27 and 28 were amended to more clearly define the peptide as including up to about 40 amino acids, of the portion containing the defined epitopes.

The Middledorf PCT discloses Eppstein Barr virus peptides for use as methods for detecting antibodies to Eppstein Barr (not antibodies to human self-antigens which are also cross-reactive with Eppstein Barr viral proteins). Sequence ID No. 1 includes more than 120 amino acids, so it is clearly not encompassed by, nor anticipated by, claims 27 and 28 as amended.

Applicant's sequence is: PRO GLY ALA ILE GLU GLN GLY PRO ALA (SEQ ID NO:24)

Middeldorp's sequence is: PRO ASP VAL PRO PRO GLY ALA ILE GLU GLN GLY PRO (SEQ ID NO:6)

These are not the same. There is certainly overlap, but §102 requires that they be the same. Middeldorp's sequence includes additional sequence at the beginning of the peptide, and Applicant's sequence includes additional sequence at the end of the peptide. Because Applicant's sequence requires an amino acid that is not present in Middeldorp's sequence, even if Applicant's sequence included additional amino acids (i.e., were a longer peptide as defined by the claim, so as to encompass the additional amino acids in the beginning of Middeldorp's peptide), it still would be different from Middeldorp's peptide, which simply does not require an alanine at the end.

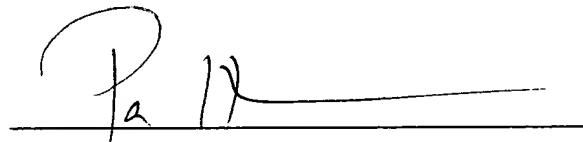
U.S. SERIAL NO.: 08/781,296

FILED: January 13, 1997

RESPONSE

Allowance of all claims 27-40, as amended, is earnestly solicited. All claims as pending upon entry of this amendment are attached in an appendix for the convenience of the examiner.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: October 26, 2000

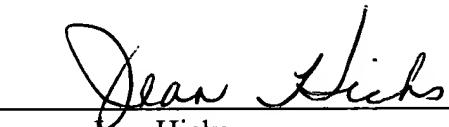
ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3450
(404) 873-8794
(404) 873-8795 (fax)

OMRF 161
20487/186

U.S. SERIAL NO.: 08/781,296
FILED: January 13, 1997
RESPONSE

Certificate of Mailing under 37 CFR § 1.8(a)

I hereby certify that this Appeal Brief, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Jean Hicks

Date: October 26, 2000